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APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 3624-0135P 3231 10/698,479 11/03/2003 Wen-Ching Hou **EXAMINER** 11/18/2004 BIRCH STEWART KOLASCH & BIRCH PASSANITI, SEBASTIANO **PO BOX 747 ART UNIT** PAPER NUMBER FALLS CHURCH, VA 22040-0747 3711

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Diffice Action Summary The MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of term may be available under the provisions of 37 CFR 1.136(s), in no event, however, may a reply be timely filled. The provision of 37 CFR 1.136(s), in no event, however, may a reply be timely filled. If the period for reply is specified above, the maximum statistory protein will apply, and will expire SIX (5) MONTH'S from the mailing date of the communication for reply is specified above, the maximum statistory protein will apply and will expire SIX (6) MONTH'S from the mailing date of the communication for the period of the communication of the mailing date of the communication, event 1 timely filled, may reduce any connect patient term adjustment. See 37 CFR 1.704(s). **Status** 1) □ Responsive to communication(s) filled on 93 November 2003. 2a □ This action is FINAL. 2b □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits closed in accordance with the practice under Ex partie Quayle, 1935 C.D. 11, 453 O.G. 213. **Disposition of Claims** 4) □ Claim(s) 1-16 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are allowed. 7) □ Claim(s) is/are allowed. 8) □ Claim(s) is/are allowed. 8) □ Claim(s) is/are benefit to extriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filled on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR		Application No.	Applicant(s)
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Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1:138(a). In no event, however, may a reply be timely filled unter 3/K (b) MONTHS from the smalling date of this communication. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (b) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (b) MONTHS from the mailing date of this communication. Property with the set or centered period for reply will be stated to be became Alab-Nothe (S) disc. (3.13). Any reply received by the Office later than these months after the mailing date of this communication, even if timely filled, may reduce any center dipartite time adjustment. Set 9° CFR 1.704(b). Status 1) Separation of FINAL. 2b) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-16 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are abjected to by the Examiner. 7) Claim(s) is/are subject to restriction and/or election requirement. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.35(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121. 1) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.35(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is ob		Sebastiano Passaniti	3711
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3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) 6) Other:	3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08	'/ · · ·	

Art Unit: 3711

DETAILED ACTION

This Office action is responsive to communication received 11/03/2003 – application papers filed.

Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I:

Figures 3, 4;

Species II:

Figures 5-7a;

Species III:

Figure 8;

Species IV: Figure 9;

Species V:

Figure 10;

Species VI: Figure 11;

Species VII: Figure 12.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

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Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sebastiano Passaniti whose telephone number is 571-272-4413. The examiner can normally be reached on Mon-Fri (6:30-3:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

> Sébastiano Passaniti **Primary Examiner** Art Unit 3711

S.Passaniti November 14, 2004